



09-10-02

2857

Express Mail No: EV 089822654 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Arthur E. Schulze, Tommy G. Cooper, and Emil S. Macha

Serial No.: 09/783,913

Group Art Unit: 2857

Filed: 02/15/01

Examiner: M. Barbee

For: **WIRELESS INTERNET BIO-TELEMETRY MONITORING SYSTEM AND METHOD**

Commissioner for Patents
Washington D.C. 20231

Dear Sir:

Enclosed please find the following:

1. Response to the Office Action of June 19, 2002 under 37 CFR 1.111;
2. Terminal Disclaimer; and,
3. Check in the amount of \$55.00 under 37 CFR 1.20(d).

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 18-1579. The Commissioner is also authorized to charge Deposit Account No. 18-1579 for any future fees connected in any way to this application. Two copies of this letter are enclosed

Respectfully submitted,

Christopher B. Kilner, Esq.
Registration No. 45,381
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive, Suite 1000
Reston, VA 20191-5302
(703) 391-2900

RECEIVED
SEP 12 2002
TECHNOLOGY CENTER 2800

September 9, 2002

1

Atty. Dckt. No. 2612-001CIP



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Arthur E. Schulze, Tommy G. Cooper, & Emil S. Macha

Serial No.: 09/783,913

Group Art Unit: 2857

Filed: 02/15/01

Examiner: M. Barbee

For: **WIRELESS INTERNET BIO-TELEMETRY MONITORING SYSTEM AND METHOD**

#6
9-16-02
C. Brown

RESPONSE UNDER 37 C.F.R. 1.111

RECEIVED
SEP 12 2002
TECHNOLOGY CENTER 2800

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

In response to the Office Action of June 19, 2002, please reconsider the Application in view of the accompanying Terminal Disclaimer and remarks.

REMARKS

Claims 1-22 remain in the Application.

Double Patenting

To overcome the Obviousness-type Double Patenting rejection, Applicants hereby submit a Terminal Disclaimer in compliance with 37 CFR 1.321(c).

Claim Rejections - 35 USC 103

Claims 1-22 were rejected under 103 as being obvious over Davis et al. in view of Brown. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to